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| 09/481,577 | 01/12/2000 | Glenn R. Toothman, III | | 5806 |

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EXAMINER

LEE, DIANE I

ART UNIT PAPER NUMBER

2876

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/481,577

Applicant(s)

TOOTHMAN, LLL ET AL.

Examiner

D. I. Lee

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-- **Th MAILING DATE of this communication appears on the cover sheet with the correspond nce address --**
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 24, 28-33 and 55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 24, 28-33 and 55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. Receipt is acknowledged of the Amendment filed 17 February 2004. Claims 1, 9, 24, 28, and 55 have been amended; claims 34-40 have been canceled; and no claims have been newly added. Currently, claims 1-16, 24, 28-33, and 55 are pending in the application.

Claim Objections

2. Claims 9, 24, 28 and 55 are objected to because of the following informalities:

(a) Re claim 9, line 14: "the cemetery location" should be changed to --the historically notable location--;

(b) Re claim 24, line 16: "the cemetery location" should be changed to --the remote location--;

(c) Re claim 28, line 12: "the cemetery location" should be changed to --the geographically remote and publicly accessible location--; and

(d) Re claim 55, line 13: "the cemetery location" should be changed to --the geographically remote and publicly accessible location--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-16, 24, 28-33, and 55 are remain rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Re claim 1: the phrase "the memory device is externally physically contactless for at least data and power" is unclear to the examiner. First, is applicant referring the data as memorial information stored in the memory device? Second, how data can be externally physically contactless to the device?

For examining purpose, the above limitation has been translated as follows:

--the memory device is a contactless device for storing the memorial information without power--.

Re claim 9: See the same discussion in claim 1 above.

Re claim 24: See the same discussion in claim 1 above.

Re claim 28: See the same discussion in claim 1 above.

Re claim 55: See the same discussion in claim 1 above.

Therefore, claims 1, 9, 24, 28, 55 and claims depend therefrom, i.e., claims 2-8, 10-16, 29-33 are vague and indefinite. Please clarify in next communication.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 9-13, 28-30, and 55 are rejected under 35 U.S.C. 102(b) as being anticipated by Weiner [EP 380 727 A1].**

Re claims 9-10, and 28-29: Weiner discloses a system for providing information about a historically notable location (i.e., museum) or related to a geographically remote and publicly accessible location (i.e., exhibition environment), comprising:

a memory device 2, 92, 112 affixed to a physical object positioned at the historically notable location (i.e., museum) or the geographically remote and publicly accessible location (i.e., exhibition

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environment) and wherein the memory device storing information related to the article in the historically notable location (i.e., museum) or related to a geographically remote and publicly accessible location (i.e., exhibition environment) (see figures 1-14);

a portable memory reading device (a portable sound-producing unit 4), separate from the memory device, held by a user, that retrieves the stored information directly from the memory device via a non-permanent proximity link when positioned at the memory location and communicates the stored information to a user located at the historically notable location (i.e., museum) or the geographically remote and publicly accessible location (i.e., exhibition environment) via a speaker 10 and/or a display 34 (see figures 1-3 and 6-14);

wherein the memory device is a contactless device for data and power (i.e., the memory device includes a static memory unit therein and is a contactless device for storing the memorial information without power, see col. 10, lines 2+ and figures 8, 11) or a contact device (see figures 1-3, 6-7, and 9); and

wherein said communication of the memorial information to at least one of the public users located at the historically notable location (i.e., museum) or the geographically remote and publicly accessible location (i.e., exhibition environment) sequentially follows and is substantially temporally commensurate with said retrieval of the memorial information directly from the memory device (see col. 6, lines 54+ and col. 5, lines 1+).

Re claims 11 and 30: wherein the memory device comprises a programmable read only memory device (see col. 12, lines 23+).

Re claim 12-13: wherein the memory device is permanently affixed to a stationary physical object (see figures 1, 12-14 for example).

Re claim 55: the contact memory device having a data connector (an input device or a plug 8, 43, 46, 83), wherein said data connector, upon wired connection to the said portable reader (see figure 1

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for example) and upon contact with said memory device 4, 120 (i.e., upon plugged into said portable reader, see figures 1-3, 9), passed the information directly from said memory device positioned at the remote location to said portable reader located at the remote location via a non-permanent proximity link (see col. 6, lines 54+; col. 5, lines 1+; figures 1-3, and 9 for example).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1-6, 14, 24, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiner in view of Assisi [US 5,696,488, previously cited by the examiner].**

Re claims 1-6, 14, and 31: Although Weiner teaches that the system is for providing information about a historically notable location (i.e., museum) or related to the geographically remote and publicly accessible location (i.e., exhibition environment); Weiner is silent with respect to the system for providing memorial information about a decease party entered at a cemetery location and the memory device is a weather resistant memory device.

Assisi discloses a system for providing memorial information about a decease party entered at a cemetery location (see the abstract). The system includes a computer 5 having a memory device 6 permanently affixed to a stationary physical object/location positioned at the cemetery location (i.e., the computer and the memory is directly located in the cemetery 1). The memory device is weather resistant memory device and memorial information stored in the memory device (see col. 1, lines 4+; col. 2, lines 7+; and the figure). The system further includes a portable memory reading device 3, 11 holdable by one

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of the visitor or public users, separate from the memory device of the cemetery location 1, that retrieves the memorial information directly from the memory device of the cemetery location when it is positioned at the cemetery location (i.e., wireless communication carried out when the portable memory reading device is brought into the vicinity of the memory device 2, which is a non-permanent proximity link).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the use of the system in other environment, for example, for providing a weather resistant information device at a cemetery location, as taught by Assisi, in the system of Weiner in order to expand the use of the information retrieval system in other environment.

Re claims 7-8, 15-16, and 32-33: Weiner teaches the stored information in the memory device is a audible recording sound message in different languages and a video signal (see col. 2, lines 14+); and

Assisi teaches the memorial information in the memory device of the cemetery location is in form of text, image or audio data in combination of the deceased person in the cemetery and may be call up by any visitor or public user with the portable memory-reading device 3, 11 (see col. 1, lines 35+ and col. 2, lines 23+).

Weiner as modified by Assisi fails to teach the specific language format of the information resides on the memory device such as extensible markup language or hypertext markup language formats.

However, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to utilize any suitable language format appropriate to the system. Furthermore, since applicant has not discloses that utilizing extensible markup language or hypertext markup language formats in the memory device would solve any stated problems or is for any particular purpose and it appears that the invention would perform equally well with any other applicable language/text format that is available. Therefore, it would have been an obvious design variation to a person skilled in the art. One might choose the specific text format in order to meet specific communication standards/requirements.

Accordingly, it would have been an obvious expedient.

Response to Arguments

9. Applicant's arguments with respect to claims 1, 9, 24, 28 have been considered but are moot in view of the new ground(s) of rejection (see the discussion above).
10. In response to applicant's statement on page 13, lines 6+ with respect to amending claim 1 to more distinctly point out and claim the present invention and to satisfy 35 U.S.C. § 112; the examiner points out that the amended claims do not satisfy the 35 U.S.C. § 112 (see the discussion above regarding 35 U.S.C. § 112).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Weiner [US 4,778,391], Want [US 6,008,727], and Gilboa [US 4,814,595] disclose a system for retrieving the stored data in a memory; wherein the stored data includes sound information, an instruction, and etc.).
12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

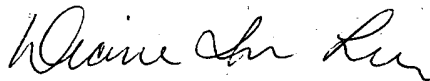
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. I. Lee whose telephone number is (571) 272-2399. The examiner can normally be reached on Monday through Thursday from 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



D. I. Lee
Primary Examiner
Art Unit 2876

D. L.